

MOTION BY SUPERVISORS HILDA L. SOLIS
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September 1, 2020

Alignment of LA County's Board of Supervisors' "Care First, Jail Last" and Law Enforcement Transparency and Accountability Priorities with Legislative Policies

Since 2015, the Board has identified justice reform as one of its Board Directed Priorities, with specific focus on “diverting of individuals from County jails to supportive services, reducing the incidence of jail violence, and increasing transparency and accountability of the Sheriff’s Department.”

The Board continued moving forward on this path by adopting the “care first, jail last” approach and model in March 2020. Through this action, the Board committed to what it has for years been working towards—creating an LA County that is less punitive and more healing with a more deliberate emphasis on decriminalizing and decarceration to make for a fairer and more just County for all its residents.

In a parallel effort, the Board has also prioritized law enforcement transparency and accountability. Through the creation of the Civilian Oversight Commission and the Office of Inspector General, the Board has taken meaningful steps to ensure that our County’s law enforcement and public safety entities are held accountable for

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misconduct perpetrated on LA County residents and that their operations are transparent to the public they serve.

While the Board has asked County Departments to embrace the “care first, jail last” model and to incorporate the recommendations and strategies of the Board-created Alternatives to Incarceration Workgroup, there remains a need to formalize these priorities as part of the County’s legislative agenda. Likewise, while the Board has encouraged County partners to uplift its sustained commitment to policing, policing reform, law enforcement oversight and transparency—these too should be aligned with the County’s legislative agenda and activities.

In July 2020, there were numerous policing or policing reform bills that were in front of the California Assembly and Senate that addressed law enforcement excessive uses of force. As it stands now, should the Board want to act on these state legislative bills, it would require direct action from the Board, in the form of a motion on each individual bill, rather than the Legislative Advocates being guided by the Board’s legislative agenda.

We can’t deny that the law enforcement accountability and Black Lives Matter movements have inspired and motivated many jurisdictions and political leaders to be dissatisfied at status quo and moved to make the appropriate legislative changes and reform that will address and redress decades-long systemic and systematic oppression of communities of color, especially in areas like policing and mass incarceration.

“Care first, jail last” as well as a rigorous effort to incorporate all the recent work the Board has created, supported, and enhanced, like the Alternatives to Incarceration Workgroup, need to be added to the Board legislative agenda to reaffirm and solidify the

Board's real commitment to making LA County safer and healthier for all its residents moving forward.

Our legislative activities should be an extension and reflection of the Board's intent and action on matters related to alternatives to incarceration, as well as law enforcement transparency and accountability.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Direct the County's Chief Executive Office - Legislative Affairs and Intergovernmental Relations to advocate with the Governor in support of the following measures, if and when they make it to his desk:
 - **AB 66 (Gonzalez)**, which would prohibit the use of kinetic energy projectiles or chemical weapons by any law enforcement agency to disperse an assembly protected by the First Amendment of the U.S. Constitution.
 - **AB 329 (Kamlager)** and **AB 767 (Grayson)**, which would: 1) expand eligibility for compensation under the Victims Compensation Program for injuries or death caused by use of force by a police officer; and 2) define "crime" to include the use of excessive force by a peace officer.
 - **AB 1022 (Wicks)**, which would require each law enforcement agency to require officers to immediately report potential excessive force, and to intercede when present and observing an officer using excessive force.
 - **AB 1314 (McCarty)**, which would require municipalities to annually post on their website information relating to the use of force settlements and judgments.

- **AB 1506 (McCarty)**, which would allow law enforcement agencies and district attorneys to request a new division of the Attorney General's office to investigate and potentially prosecute a criminal case when there is an officer involved shooting that results in a death of a member of the public.
- **AB 1550 (Bonta)**, which would authorize a person to bring a civil action against any responsible party, who, motivated by the person's protected status, knowingly causes a peace officer to arrive at a location to contact the person with the intent to, among other things, infringe upon the person's right.
- **AB 1599 (Cunningham)**, which would require a law enforcement agency or oversight agency to complete investigations into allegations of the use of force, sexual assault, discharge of a firearm, or dishonesty relating to the investigation of a crime or misconduct by another peace officer or custodial officer, despite the peace officer's or custodial officer's voluntary separation from the employing agency.
- **AB 1775 (Jones-Sawyer)**, which would make a number of changes in criminal and civil law to discourage individuals from using 911 or other communications with law enforcement to harass a person because that person belongs to a protected class.
- **SB 731 (Bradford)**, which would create a statewide process to automatically revoke the certification of a peace officer following the conviction of certain serious crimes or termination of employment due to specified misconduct.
- **SB 776 (Skinner)**, which would expand the categories of personnel records of peace officers and custodial officers that are subject to disclosure under the California Public Records Act (CPRA).

2. Direct the Chief Executive Office Legislative Affairs and Intergovernmental Relations to work with the Board of Supervisors, Civilian Oversight Commission, and Office of Inspector General to develop legislative policies and priorities that will support measures in the future that reflect the Board's commitment to strengthen law enforcement transparency, accountability, and policing reform in the County's Federal and State legislative agendas.
3. Instruct the Chief Executive Office Legislative Affairs and Intergovernmental Relations to work with the Alternatives to Incarceration Initiative (ATI), in collaboration with relevant departments, to develop legislative policies and priorities relevant to the Board's adoption of "care first, jail last," which supports alternatives to incarceration and the ATI Workgroup recommendations, and which can be included in the County's State and Federal Legislative Agendas prior to the Board's adoption. In addition, request that an update on legislative advocacy efforts be included in the ATI Director's report back to the Board.

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